

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:09CV280

DENNIS PATTON,)	
)	
Petitioner,)	
)	
Vs.)	<u>ORDER</u>
)	
ALVIN W. KELLER, Secretary of the)	
North Carolina Department of)	
Corrections; and VANESA)	
GILBERT, Captain of Henderson)	
County Jail,)	
)	
Respondents.)	
)	

THIS MATTER is before the Court *sua sponte* to correct the record
herein.

On July 23, 2009, the Court entered an order allowing the Petitioner's
application and motion to proceed in *forma pauperis*, and directed that any
process issued herein be served by the United States Marshal at the
expense of the United States Government.

Because this action is filed pursuant to 28 U.S.C. § 2254, no process
is required to be issued or served. Therefore, the Court will strike the
portion of the previous order requiring process to be issued and the United

States Marshal to effect service thereof. In addition, the Court will enter a separate Order directing the Respondents herein to file answer to the Petitioner's § 2254 petition.

IT IS, THEREFORE, ORDERED that the portion of the Court's Order, filed July 28, 2009, requiring process to be issued and the United States Marshal to effect service thereof is hereby **STRICKEN**.

Signed: August 11, 2009



Lacy H. Thornburg
United States District Judge

